

CARNEY & MARCHI, P.S.
ATTORNEYS AT LAW

ATTORNEYS

NICHOLAS MARCHI
MICHELE CARNEY*

108 SOUTH WASHINGTON STREET, SUITE 406
SEATTLE, WASHINGTON 98104
TELEPHONE: (206) 224-0909
FACSIMILE: (206) 467-1819
WEBSITE: WWW.CARMARLAW.COM

**Also admitted in Texas.*

7502 WEST DESCHUTES PLACE
KENNEWICK, WASHINGTON 99336
TELEPHONE: (509) 545-1055

November 27, 2018

SanJuanita B. Coronado,
U.S. Probation Officer
United States Probation
25 South Third Street, Suite 326
Yakima, WA 98907

RE: *United States v. Alfredo Magana Garibay*
Cause No. 4:15-CR-6049-EFS-18
Objections to Presentence Investigations Report

Dear Ms. Coronado:

I received the Presentence Investigations Report in this matter. Based on this report, I raise the following objections:

Paragraph 37: Mr. Magana-Garibay denies the statements of the CS that he was one of the backpackers that crossed the border into Canada.

Paragraph 39: Mr. Magana-Garibay admits that he was involved with Mr. Calvillo but denies the statement made by the CS that he was actively involved the distribution of narcotics in Washington State.

Paragraph 40: Mr. Magana-Garibay denies the statements of the CS that he was involved in the pickup of cocaine. He admits that he did maintain the residence on the Canadian border, that was used as stash house and was aware of the use of the house.

Paragraph 42: As a result of the death of Mr. Calvillo, Mr. Magana-Garibay's involvement all but ended in the organization.

Paragraph 46: Mr. Magana-Garibay disputes what the CDs stated about his actual involvement in the distribution of narcotics in Washington.

Paragraph 70: The bench warrant in Sunnyside was quashed when Mr. Magana-Garibay's Motion to Reopen Detention Hearing was granted, and conditions of release were set.

Paragraph 84: Mr. Magana-Garibay has had significant weight loss while being in custody. He has lost approximately 100 lbs., and has suffered depression.

Paragraph 120: Mr. Magana-Garibay maintains that there are grounds that would warrant a departure from the guidelines and or a variance downward. They include, but are not limited to, aberrant behavior; his family circumstances; his immigration status and the totality of the circumstances.

Should you have questions or concerns, please do not hesitate to contact me.

Sincerely yours,
/Nicholas Marchi
CARNEY & MARCHI, P.S.

Cc: Client
S. Van Marter, AUSA